IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRI. APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1335 OF 2005

Shri A.Sai. Mada. Sami,
M/s. Sai Baba Video Theatre,
R.No.203, 2nd floor,
HOC-Tower, 90 feet Road,
Dharavi, Bombay - 17. ... Petitioner

V/s

1. The State of Maharashtra
2. The Commissioner of Police,
   Theatre Branch, Brihanmumbai,
   Mumbai.
3. Sr. Inspector of Police,
   Shahu Nagar Police Station,
   Dharavi, Mumbai. ... Respondents

Mr. S.P. Kanuga with Smt. P.P. Bhosale for the petitioner.

Mr. B.H. Mehta, A.P.P. for the respondents.

CORAM: R.M.S. KHANDEPARKAR &
P.V. KAKADE, JJ.

DATED: 6TH MAY, 2005

P.C.:

1. Heard advocate for the petitioner and the learned A.P.P. for the respondents. The grievance of the petitioner relates to the rejection of the application for licence for establishment of video cinema. The authorities have rejected the application solely on the

ground of failure on the part of the petitioner to furnish certain documents. The learned advocate for the petitioner states that the petitioner is willing to furnish those documents if time is granted and in that case the respondents be directed to reconsider the matter.

2. Considering the fact that the application for licence is rejected solely on the ground of failure on the part of the petitioner to furnish certain documents listed in their letter dated 22.2.2005, it would be in the fitness of the case to set aside the orders rejecting the application of the petitioner and to grant time to the petitioner in the interest of justice to furnish the required documents and to direct the authorities to reconsider the application in accordance with the provisions of law within the specified time.

3. Considering as above, the impugned orders rejecting the licence for video cinema are hereby quashed and set aside and the matter is remanded to the respondent No.2 to reconsider the matter in accordance with the provisions of law and after the petitioner furnishes the required documents. The petitioner to submit all the

required documents within a period of four weeks and on receipt of those documents, the respondents to reconsider the matter afresh in accordance with the provisions of law within a period of four weeks thereafter. The petition is disposed of accordingly with the said directions.

4. Authenticated copy be supplied.

(R.M.S. Khandeparkar, J.)

(P.V. Kakade, J.)